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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/456,897	12/08/1999	KEITH THOMAS AHERN	PHA-23.778	7056
7590 02/04/2005			EXAMINER	
Raynond J. Werner 2092 NW Alocek Drive Suite 525 Hillsboro, OR 97124			YUAN, ALMARI ROMERO	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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7590 08/12/2004  
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EXAMINER

YUAN, ALMARI ROMERO

ART UNIT PAPER NUMBER

2176

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AUG 25 2004

Technology Center 2100

# Office Action Summary

Application No.

09/456,897

Applicant(s)

AHERN, KEITH THOMAS

Examiner

Almari Yuan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 16-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to communications: Response to the Office Action filed on 4/29/04.
2. Claims 16-26 are pending in this case. Claim 16 is an independent claim.

#### ***Information Disclosure Statement***

3. The information disclosure statement filed on 6/28/01 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. The foreign search report is not a proper content of Information Disclosure Statement (see MPEP 37 CFR 1.98(a)(2)) and the documents cited as "A" on the foreign search report must be provided for consideration.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 16-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in
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the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

**Regarding independent claim 16**, the limitations “wherein providing the first text portion and the first script portion to an application that lacks a capability for formatting the first text portion in accordance with the first script portion results in the display of the first text portion”, are not enabled in the specification. The Examiner has carefully read Applicant’s specification, more particularly page 4 of Applicant’s specification mentioned in the Arguments on page 8 of the Amendment filed on 11/17/03. However, on page 4, lines 2-5 of applicant’s specification “...an electronic document with text specification and scripts that allows for an easy-to-read display of the text information regardless of the capabilities of the application...” does not properly support the amended claimed limitation “wherein providing the first text portion and the first script portion to an application that lacks a capability for formatting the first text portion in accordance with the first script portion results in the display of the first text portion”.

Applicant is advised against the addition of new matter.

**Regarding dependent claims 17-26**, claims 17-26 are rejected for fully incorporating the deficiencies of their respective base claim.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 16-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freund, Jim ("HotDog Professional 5.1 Webmaster Suite: HotDog 5.1 Cuts the Mustard", 11/1998, Computer Shopper, Vol. 18, No. 11, pages 1-2) in view of Business Wire, "HotDog powers Web authors to new heights", 10/1996, pages 1-2), and in further view of Powers et al. (USPN 6,362,817 B1 – filed on 05/1998), and in further view of Simpson, Alan, "Mastering WordPerfect 5.1 & 5.2 for Windows", 1993, SYBEX Inc., pages 74-81, 108-109, 148-150, and 944-945.**

**Regarding independent claim 16, Freund discloses:**

**A method of producing an electronic document, comprising:**

**Freund discloses "providing a first text portion, the first text portion exclusive of script" and "wherein the first text portion comprises visible characters", on page 1: teaches HotDog HTML editor offers a main editing window with a preview area that shows how your file will appear in a browser (visible characters). You can choose to have ROVER that takes up the lower half of Edit Window and dynamically display the effect your edits have on your document (text portion).**

**However, Freund does not explicitly teach "providing a first script portion, the first script portion exclusive of text" and "the first script portion consists of invisible characters".**

**Business Wire discloses "providing a first script portion, the first script portion exclusive of text" and "the first script portion consists of invisible characters", on page 1: teaches the HotDog Professional Web editor includes ROVER (Real-time Output ViewER) which is able to preview Java, Java script, style sheets, etc. without starting a browser and wherein a Java Script**

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tool can be used by the users to create professional design effects, in other words, the user can edit Java scripts (includes invisible characters) and preview the output of the Java script without starting the browser.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Business Wire into Freund to provide ROVER (Real-time Output ViewER) which you can preview the Java scripts, as taught by Business Wire, incorporated into the ROVER of Freund, in order to provide users an effective Web editing tool.

However, Freund and Business Wire do not explicitly teach "location parameter identifier" and "location coordinate".

Powers does disclose "location parameter identifier" and "location coordinate", on col. 16, lines 30-51: teaches location parameters that specifies the location of the POPUP; the POPUP tag specifies the type of popup (see col. 16, lines 44-51: shows a segment of POPUP tag with POPUP location parameters (1,3,2) and coordinates (COORDS= "(100,100)").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Powers into Freund and Business Wire to provide a way to specify location parameters and coordinates of a type of element (POPUP), as taught by Powers, incorporated into the script for editing using HotDog HTML editor feature ROVER (Real-time Output ViewER) of Freund and Business Wire, in order to quickly and efficiently operate generation of views on a user's computer system.

However, Freund, Business Wire, and Powers do not explicitly disclose "wherein providing the first text portion and the first script portion to an application that lacks a capability

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for formatting the first text portion in accordance with the first script portion results in the display of the first text portion”.

Simpson on pages 74-81, 108-109, 148-150, and 944-945 teaches a document window with an upper section that shows a regular text (text portion) and a bottom section that shows text with visible codes; wherein the user has the ability to edit the text document and view the codes at the same time. The user also has the ability to edit codes such as delete, move, or insert codes in Reveal Codes section of the display screen (see pages 77-80) without the application’s help of using auto code (see page 81) for modifying the user’s document.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have Simpson into Freund, Business Wire, and Powers to provide a way for the user to edit codes of the text document without the application’s help, as taught by Simpson, incorporated into document processing of Freund, Business Wire, and Powers, in order to aid the formatting problems of the user’s document (Simpson on page 76, 1<sup>st</sup> paragraph).

**Regarding dependent claims 17 and 18, Freund discloses:**

communicating first text portion (Freund on page 1: teaches ROVER that takes up the lower half of Edit Window and dynamically display the effect your edits have on your document (displaying text portion)) and communication the first script portion (Business Wire on page 1: teaches ROVER (Real-time Output ViewER) which is able to preview Java, Java script, style sheets, etc. without starting a browser and wherein a Java Script tool can be used by the users to create professional design effects (script portion)).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Business Wire into Freund to provide ROVER (Real-time



Output ViewER) which you can preview the Java scripts, as taught by Business Wire, incorporated into the ROVER of Freund, in order to provide users an effective Web editing tool.

**Regarding dependent claim 19, Freund discloses:**

rendering the electronic document (Freund on page 1: teaches ROVER that takes up the lower half of Edit Window and dynamically display (rendering) the effect your edits have on your document.

**Regarding dependent claims 20, Freund discloses:**

displaying the first text portion without regard to the first script portion, and without displaying the first script portion (Freund on page 1: teaches main editing window offers a preview area that shows how your file (text portion) will appear in a browser, in other words, a full browser preview can be used instead (displaying text portion without script portion)).

**Regarding dependent claim 21, Freund discloses:**

formatting the first text portion in accordance with the first script portion and without displaying the first script portion (Freund on page 1: teaches ROVER that takes up the lower half of Edit Window and dynamically display the effect your edits have on your document.

However, a full browser preview can be used instead (displaying text portion without script portion)).

**Regarding dependent claim 22, Freund discloses:**

replacing at least one of the visible characters of the first text portion (Freund on page 1: teaches text-based HTML editor (replacing) using ROVER that takes up the lower half of Edit Window and dynamically display the effect your edits have on your document (displaying text portion including visible characters)), with one or more visible characters determined by the first

script portion (Business Wire on page 1: teaches ROVER (Real-time Output ViewER) which is able to preview Java, Java script, style sheets, etc. without starting a browser and wherein a Java Script tool can be used by the users to create professional design effects (script portion)).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Business Wire into Freund to provide ROVER (Real-time Output ViewER) which you can preview the Java scripts, as taught by Business Wire, incorporated into the ROVER of Freund, in order to provide users an effective Web editing tool.

**Regarding dependent claims 23-25, Power discloses:**

Powers does disclose "location parameter identifier" and "location coordinate", on col. 16, lines 30-51: teaches location parameters that specifies the location of the POPUP; the POPUP tag specifies the type of popup (see col. 16, lines 44-51: shows a segment of POPUP tag with POPUP location parameters (1,3,2) and coordinates (COORDS= "(100,100)"; where the POPUP will be located when displayed).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Powers into Freund and Business Wire to provide a way to specify location parameters and coordinates of a type of element (POPUP), as taught by Powers, incorporated into the script for editing using HotDog HTML editor feature ROVER (Real-time Output ViewER) of Freund and Business Wire, in order to quickly and efficiently operate generation of views on a user's computer system.

**Regarding dependent claim 26, Freund discloses:**

wherein visible characters comprises codes that when processed by a display application result in the display of characters (Freund on page 1: teaches HotDog HTML editor offers a main

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editing window with a preview area that shows how your file will appear in a browser (visible characters)); and wherein invisible characters comprise codes that when processed by a display application do not result in the display of characters (Business Wire on page 1: teaches the HotDog Professional Web editor includes ROVER (Real-time Output ViewER) which is able to preview Java, Java script, style sheets, etc. without starting a browser and wherein a Java Script tool can be used by the users to create professional design effects, in other words, the user can edit Java scripts (includes invisible characters) and preview the output of the Java script without starting the browser).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Business Wire into Freund to provide ROVER (Real-time Output ViewER) which you can preview the Java scripts, as taught by Business Wire, incorporated into the ROVER of Freund, in order to provide users an effective Web editing tool.

#### *Response to Arguments*

8. Applicant's arguments filed 4/29/04 have been fully considered but they are not persuasive.

Regarding Applicant's remarks on pages 5-7:

Referring to claim 16, rejected under 35 USC 112, 1<sup>st</sup> paragraph for the limitation "wherein providing the first text portion and the first script portion to an application that lacks a capability for formatting the first text portion in accordance with the first script portion results in the display of the first text portion", the Examiner has carefully reviewed Applicant's remarks

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and still maintains her rejection. Although, the Examiner agrees with Applicant that text editors are well known for displaying both text and script of an electronic document making the document difficult to read, however, the claimed limitation "wherein providing the first text portion and the first script portion to an application that lacks a capability for formatting the first text portion in accordance with the first script portion results in the display of the first text portion" as instantly claimed is not well-known as asserted by Applicant on page 6 of the Response.

It is respectfully noted that the interpretation of the claimed limitation "...results in the display of the first text portion", is suppressing the display of the "first script portion" and only displaying said first text portion, which is based upon the observation that Applicant is only claiming the display of the "first text portion", and not claiming display of said script portion along with display of the "first text portion". Therefore, although it is known that a typical word processing editor will display all textual data, however, it is not well known to utilize an application which is capable of displaying text portions of a document while suppressing display of script portions from the same document.

Since the Examiner cannot find support in the instant specification for this limitation, and the examiner maintains that said limitation is not well known in the art, the rejection under 37 U.S.C. 112 1<sup>st</sup> paragraph is respectfully maintained.

Furthermore, on page 6 (near the bottom) the Applicant alleges that "one of ordinary skill in the field of information processing and encoding of script information in electronic documents and files, would not be enabled to provide an application that lacks a capability to process the embedded script". However, the Examiner believes that the Applicant has misrepresented the

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Examiner's position (see above) and does not recall this allegation in the record. The Examiner only requested for the Applicant to provide proper support from the specification for the rejected claimed limitation under 37 USC 112 1<sup>st</sup> paragraph.

Regarding Applicant's remarks on page 8:

Freund does disclose "providing a first text portion exclusive of script", on page 1: teaches HotDog includes ROVER that the user can choose to display a lower half of Edit Window and dynamically display the effect your edits have on your document (text portion), in other words, ROVER gives the capability in dynamically viewing the output portion of your HTML document and at the same time edit tag syntax of the displayed document on the lower half of the Edit Window. The output text of the document is displayed and exclusive from of the tag syntax of the corresponding document.

Regarding Applicant's remarks on pages 8-9:

The Examiner agrees with Applicant that the "Business Wire reference does not disclose a method of producing a document that, when displayed by an application lacking the ability to process embedded script commands, displays an easy to read text message without embedded script commands". Business Wire discloses the claimed language "the first script portion exclusive of text and consisting of invisible characters", that was not explicitly taught by Freund reference but uses the same editor such as ROVER (Real-time Output ViewER), on page 1 of Business Wire, ROVER has the capability to view Java script without starting a browser, in other

words, the user can edit Java scripts and preview the output of the Java script without starting the browser.

Regarding Applicant's remarks on page 10:

Applicant mentions that "Simpson has nothing to do with Applicant's claimed invention", however, the Examiner respectfully disagrees with Applicant.

Simpson discloses the claimed limitation "wherein providing the first text portion and the first script portion to an application that lacks a capability for formatting the first text portion in accordance with the first script portion results in the display of the first text portion" not explicitly disclosed in Freund, Business Wire, and Powers. Simpson has the capability in displaying only the text portion of a document (output version) without codes and also allows the user to activate the "Reveal Codes" command to edit the text of document showing the "codes" of the corresponding document (see pages 74-81, 108-109, 148-150, and 944-945). In other words, the document is displayed first in a plain text format and when the user activates the "Reveal Codes" command the codes corresponding to the text of the document are displayed to the user for editing.

#### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**


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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almari Yuan whose telephone number is 703-305-5945. The examiner can normally be reached on Mondays - Fridays (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild, can be reached on 703-305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JOSEPH H. FEILD  
PRIMARY EXAMINER

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August 4, 2004